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09/409,330	09/30/1999	JASON T. CASSEZZA	INTL-0268-US	5219

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EXAMINER

DELA TORRE, CRESCELLE N

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/409,330

Applicant(s)

JASON T CASSEZZA

Examiner

Crescelle N dela Torre

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is responsive to communications: Request for Reconsideration, filed on 2/5/02.

This action is final.

Claims 1-26 are pending in this application. Claims 1, 10, and 19 are independent claims.

The present title of the invention is "Controlling Audio Volume in Processor-Based Systems" as originally filed.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

1. Claims 1-20, 23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U.S. patent 5,191,620).

As per claim 1, Lee teaches a method for "controlling volume level of sound for a display" comprising:

obtaining an indicia of the volume level of audio received by the system, with the input discrimination step 11, at figure 2, and column 2, lines 35-37;

comparing the indicia to a preset level, with the maximum-discrimination step 13 or minimum-discrimination step 16, at figure 2; and

automatically adjusting the volume level towards the preset level, with the bar-increment step 12, and bar-decrement step 15, at figure 2.

As to claim 2, Lee teaches a high volume preset level, with a maximum level, at step 13, and a low volume preset level, with a minimum level, at step 16, and adjusting the volume level to a level between the high and low levels, with the bar-increment step 12, or bar-decrement step 15, at figure 2.

Regarding claim 3, Lee teaches receiving and using audio from a remote control unit, by "receiving a key-input of a transmitter 1" at figure 1.

In reference to claim 4, Lee teaches a graphical user interface, with on-screen display at figures 3(A), 3(A'), and allowing a user to input the preset level, at column 2, lines 32-34.

As to claim 5, Lee teaches generating sounds of increasing volume and receiving a user selection of a desired volume level, at column 2, lines 37-38.

As per claim 6, Lee describes correlating a time period when user selection was received, with step 19, at figure 2, and recording the volume level, with steps 14, 17, also at figure 2.

Regarding claim 7, Lee teaches adjusting the volume level when the volume level exceeds the preset level, with steps 13, 16, at figure 2.

In addition, Lee teaches a remote control unit [claim 8] at a location remote from the system [claim 9] with transmitter 1, at figure 1.

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Claims 10-17 correspond respectively to claims 1-8.

As to claim 18, Lee teaches producing sounds of decreasing volume until the user has selected the preset volume level, at column 2, lines 48-52.

As per claim 19, Lee teaches a processor, storage, and sound generating circuit, at figure 1, and software to control the generated sound in accordance with a preset volume limit, with the input discrimination routine 100, at figure 2.

Lee shows a transceiver and a remote control unit [claim 20] with transmitter 1, at figure 1.

Claims 23 and 25 are respectively similar to claims 4 and 2.

As to claim 26, Lee provides for increasing or reducing the volume level near the minimum and maximum values, at figure 2.

### ***Claim Rejections - 35 USC § 103***

2. Claims 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. patent 5,191,620) in view of Fado et al (U.S. patent 6,067,084).

As to claim 21, Lee does not teach a microphone for receiving sounds generated by a sound generating circuit. However, the use of microphones for receiving generated sounds are known in the art. For instance, Fado et al, hereinafter Fado, teach configuring microphones in an audio interface, with a "first graphical user interface prompting user selection and connection of a microphone" at column 3, lines 5-9. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention

to include a microphone in the invention of Lee as in Fado because it provides an alternative means for receiving audio information.

As to claim 22, Lee teaches communication signals, at figure 1.

Regarding claim 24, Lee teaches generating time-spaced tones and selecting a tone volume, at column 3, lines 1-10.

### ***Response to Arguments***

3. Applicant's arguments filed 2/5/02 have been fully considered but they are not persuasive.

Applicant's primary argument regarding the Lee reference is that Lee does not teach obtaining an indicia level of the volume level of audio information. The examiner does not agree because Lee teaches that the indicia level is received with step 11, at figure 2, and column 2, lines 35-37, and that the indicia level, or level value, is then compared with a maximum or minimum value with steps 13, 16, at figure 2, and column 2, lines 40-43, 52-55. Thus, Lee teaches obtaining audio level information.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crescelle N dela Torre whose telephone number is (703) 305-9782. The examiner can normally be reached on Monday-Thursday, from 8am-4pm, and on alternate Fridays, from 8am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications; (703) 746-7238 for After Final communications; and (703) 746-7240 for non-official or draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*C. dela Torre*  
**CRESCELLE N. DELA TORRE**  
**PRIMARY EXAMINER**